IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 21ST MARCH 2007 / 30TH PHALGUNA 1928

Crl.MC.No. 506 of 2007(C)

CRIME NO.223/06 ON THE FILE OF THE NADAKKAVU POLICE STATION.

PETITIONER:
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1. VIVEK SHIL AHUJA, AGED 47,
S/O R.L.AHUJA, GENERAL MANAGER,
JULLUNDUR, MOTOR AGENCY(DELHI)LTD.,
50GP ROAD, CHENNAI.

2. V.BABU, AGED 42,
S/O VARADARAJAN,NO.31 A,
CHOKKAMMALKULAM STREET,
PERIYATHOPPU, MANALI,
CHENNAI-68

BY ADV. SRI.VARGHESE C.KURIAKOSE
SRI.PRAVEEN K. JOY
SRI.E.M.MURUGAN

RESPONDENTS:
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1. STATE OF KERALA, REP.BY SUB INSPECTOR OF
POLICE, NADAKKAVU POLICE STATION,
CALICUT.

2. P.J.JOHNSON, AGED 36,
S/O JOHN, ROOM NO.104,
ALANKAR BUILDINGS, PERAMBRA,
CALICUT.

BY PUBLIC PROSECUTOR SRI.GIKKU JACOB.

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 21/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

CRL.M.C.NO. 506 OF 2007

Dated this the 21st day of March, 2007

ORDER

The petitioners have come to this Court with the prayer that an F.I.R. registered against him i.e., Crime No.223/06 of the Nadakkavu Police Station, may be quashed. The said crime has been registered on the basis of a private complaint filed by one of the employees of the petitioners. The complaint was referred to the police under Sec.156(3) of the Cr.P.C. Investigation is in progress.

2. There can be no dispute on the question of law. The powers under Sec.482 of the Cr.P.C. takes within its sweep, the powers to quash an F.I.R. which is registered by the police also. The width, sweep and amplitude of the powers must bring with it the need for circumspection. I shall not encumber the records with any unnecessary detailed discussion on merits. Suffice it to say that I am satisfied that the ideal course which can be followed by the court in the circumstances of this case is to permit the Investigator to

complete the investigation and file the final report. The petitioners' option to seek further relief in case such final report is against them shall remain unfettered. I am, in these circumstances, satisfied that the relief claimed – quashing of the F.I.R. cannot and need not be granted invoking the powers under Sec.482 of the Cr.P.C. However, I am satisfied that the petitioners, who are persons not residing within the State, deserve to be granted protection against any unnecessary and vexatious arrest. The learned counsel for the petitioners submits that an anticipatory bail has already been granted in favour of the petitioners by the learned Sessions Judge. The petitioners, after indulgent extension of the time granted, were permitted to surrender before the learned Magistrate on or before 24/2/2007. But they have not been able to so surrender on account of reasons beyond their control. The learned counsel for the petitioners finally prays that, in the interests of justice, the time granted under Annexures-A9 and A10 orders to appear before the learned Magistrate may be extended and the petitioners may be granted time till 2/4/2007 to appear before the learned Magistrate as directed in Annexures-A9 and A10 orders i.e., orders dated 18/1/07 in Crl.M.C.No.45/07 and

Crl.M.P.No.282/07 dated 14/2/2007 both by the learned Sessions Judge, Kozhikode. I am satisfied that though the said relief is not specifically prayed for in the petition, the said lesser relief can be granted in the peculiar facts and circumstances of this case.

3. In the result, this Crl.M.C. is dismissed; but the petitioners are granted time till 2/4/2007 to comply with Annexures-A9 and A10 orders.

Sd/-

(R. BASANT, JUDGE)

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P.S. to Judge